

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SAMUEL TURNER POOLE,)
)
Plaintiff,)
)
)
	C.A. No. 99-635-SLR
)
STANLEY TAYLOR, and)
RAPHAEL WILLIMS)

Defendants.

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE

Defendants Stanley Taylor and Raphael Williams hereby oppose Plaintiff's motion to strike the Defendants' "petition" (using Plaintiff's characterization), presumably referring to Defendants' motion for summary judgment and opening brief in support thereof.

Federal Rule of Civil Procedure 12(f) provides that the court "may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed.R.Civ.P. 12(f). Motions to strike are generally disfavored. *See, e.g., DiPietro v. Jefferson Bank*, 1993 WL 101356, at *1 (E.D.Pa. March 30, 1993). The "standard for striking under Rule 12(f) is strict" and "only allegations that are so unrelated to plaintiffs' claims as to be unworthy of any consideration" should be stricken. *Id.* (*quoting In re Catanella and E.F. Hutton and Co., Inc.*, 583 F.Supp. 1388, 1400 (E.D.Pa.1984)).

Plaintiff's argument as to why the Defendants' motion or brief in support thereof should be stricken is hard to comprehend. It appears to be based on dissatisfaction with the extensive discovery materials that were provided to him and a belief that the Court's ruling in *Hubbard v. Taylor*, --- F.Supp.2d ----, 2006 WL 2709619 (D.Del. Sep 20, 2006) (C.A. No. 00-531 SLR), has no relevance to his own case. These beliefs on Plaintiff's part do not constitute a valid basis for

a motion to strike.

For the foregoing reasons, the Defendants respectfully request that Plaintiff's motion to strike be denied.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Richard W. Hubbard

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Dated: October 30, 2006

Attorney for the Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that on October 30, 2006, he caused the foregoing document to be delivered to the following person(s) in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

**Samuel Turner Poole
#BN-5599
PA Department of Correction
1100 Pike Street
Huntingdon, PA 1665-1112**

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